

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LEXINGTON INSURANCE COMPANY;
HOMELAND INSURANCE COMPANY
OF NEW YORK; HALLMARK
SPECIALTY INSURANCE COMPANY;
ASPEN SPECIALTY INSURANCE
COMPANY; ASPEN INSURANCE UK
LTD.; CERTAIN UNDERWRITERS AT
LLOYD'S, LONDON AND LONDON
MARKET COMPANIES SUBSCRIBING
TO POLICY NO. PJ193647; CERTAIN
UNDERWRITERS AT LLOYD'S
LONDON SUBSCRIBING TO POLICY
NO. PJ1900131; CERTAIN
UNDERWRITERS AT LLOYD'S,
LONDON SUBSCRIBING TO POLICY
NO. PJ1933021; CERTAIN
UNDERWRITERS AT LLOYD'S,
LONDON SUBSCRIBING TO POLICY
NOS. PD-10364-05 AND PD-11091-00;
AND ENDURANCE WORLDWIDE
INSURANCE LIMITED (T/AS SOMPO
INTERNATIONAL) SUBSCRIBING TO
POLICY NO. PJ1900134-A,

Plaintiffs,

v.

CINDY SMITH, in her official capacity as
Chief Judge for the Suquamish Tribal Court,

CASE NO. 3:21-cv-05930 - DGE

**DECLARATION OF SKIP
DUROCHER**

1 ERIC NIELSEN, in his official capacity as
2 Chief Judge of the Suquamish Tribal Court
3 of Appeals, BRUCE DIDESCH, in his
4 official capacity as Judge of the Suquamish
5 Tribal Court of Appeals, and STEVEN
6 AYCOCK, in his official capacity as Judge
7 of the Suquamish Tribal Court of Appeals

8 Defendants

9 and

10 THE SUQUAMISH TRIBE, a federally-
11 recognized Indian Tribe,

12 Intervenor.

13 I, Vernle C. "Skip" Durocher, Jr., being over eighteen years of age, declare as follows:

14 1. I am a partner at the law firm Dorsey & Whitney LLP and am an attorney licensed
15 to practice law and in good standing in the State of Minnesota. I am admitted *pro hac vice* to
16 practice in this Court. I represent the Suquamish Tribe in this matter.

17 2. I am competent to testify and have personal knowledge of the facts described herein
18 unless specifically stated otherwise.

19 3. A true and correct copy of the Declaration of Aaron P. Amaral, dated October 26,
20 2020, and filed in support of the Opposition of the Suquamish Tribe and Port Madison Enterprises
21 to Lexington Insurance Company *et al.* 's (the "Insurers") Motions to Dismiss in Suquamish Tribal
22 Court Case No. 200601-C, along with its accompanying exhibits, is attached hereto as **Exhibit A**.

23 4. A true and correct copy of the Declaration of Greg Trueb, dated October 26, 2020,
24 and filed in support of the Opposition of the Suquamish Tribe and Port Madison Enterprises to the
25 Insurers' Motions to Dismiss in Suquamish Tribal Court Case No. 200601-C, along with its
26 accompanying exhibits, is attached hereto as **Exhibit B**.

27 5. A true and correct copy of the Declaration of Michael Klatt, dated October 23,

2020, and filed in support of the Opposition of the Suquamish Tribe and Port Madison Enterprises to the Insurers' Motions to Dismiss in Suquamish Tribal Court Case No. 200601-C, along with its accompanying exhibits, is attached hereto as **Exhibit C**.

6. A true and correct copy of the Amended Opinion of the Suquamish Tribal Court of Appeals in Case No. 200601-C (Appeal), dated October 7, 2021, is attached hereto as **Exhibit D**.

7. A true and correct copy of the First Amended Complaint filed by The Suquamish Tribe and Port Madison Enterprises in Suquamish Tribal Court Case No. 200601-C, dated October 13, 2021, is attached hereto as **Exhibit E**.

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge.

SIGNED April 27, 2022 in Minneapolis, Minnesota.



Vernle C. "Skip" Durocher, Jr.